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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,320	02/16/2006	William D. Blake	19350104048	7594

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EXAMINER
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PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

MAIL DATE	DELIVERY MODE
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06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/568,320

**Applicant(s)**

BLAKE, WILLIAM D.

**Examiner**

Dennis H. Pedder

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/07, 2/06.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-12, 15-19, drawn to a bumper fascia.

Group II, claim(s) 13-14, drawn to a method of molding a bumper fascia.

2. The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the component details are not patentable as evidenced below and therefore not a special technical feature and the component does not require the details of the method including core pin usage.

3. During a telephone conversation with Mr. Asher on 6/12/2007 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-12, 15-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-14 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-12, 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 15 lack antecedent to "the show surface" as in --a show surface--.

Claims 2 and 16 should accordingly be --the show surface--.

Claim 9 lacks antecedent for "the proximal end" as in --a proximal end of the containing portion--.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-12, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkhardt et al. in view of Horney et al.

Burkhardt et al. have the bumper 1 with component mounting integrally molded to the bumper 1 and comprising containing portion 3, with through hole at 2 for housing components 6 and the sensor, fastening means 4, deemed equivalent to those of applicant, and with the component 6, or the parking sensor, mounting from the back side of the bumper.

Horney et al. teach that a plastic bumper may be backed by a rigid beam 18 and therefore be a fascia. It would have been obvious to one of ordinary skill to provide in Burkhardt et al. a rigid beam as taught by Horney et al. in order to form a bumper fascia and to rigidify the plastic fascia.

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As to claims 2 and 3, thermoplastic fascias and bumpers are common knowledge in the art in order to reduce weight and applicant admits that such coating is conventional "as of late" with regard to painting. This is also deemed to be of common knowledge in the art.

Applicant may seasonally challenge, for the official record in this application, this and any other statement of judicial notice in timely manner in response to this office action. Please specify the exact statement to be challenged. Applicant is reminded, with respect to the specific challenge put forth, of the duty of disclosure under Rule 56 to disclose material which is pertinent to patentability including claim rejections challenged by applicant.

As to claim 6, Burkhardt et al. show projection and recess at 4.

As to claim 8, Burkhardt et al. have ridges at 7.

As to claim 9, Burkhardt et al. have a much smaller thickness at the proximal end as seen in figure 3. The dimensions of the smaller thickness is an obvious expedient to one of ordinary skill in the art and not a patentable distinction.

As to claim 10, Burkhardt et al. has a rounded proximal end, defined by applicant as "a parting line seal off".

As to claim 11, the component mounting is a bracket for a parking sensor.

8. Claims 1-12, 15-19 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Karr et al. in view of Burkhardt et al. and Horney et al.

Karr et al. have a bumper 1 and component mounting comprising containing portion 3 injection molded to the bumper, fastening means 4/5 and disclose mounting from the back side. See col. 2, line 25 for the teaching of injection molding.

Paragraph 7 above is incorporated by reference. It would have been obvious to one of ordinary skill to provide in Karr et al. a plastic bumper as taught by Burkhardt et al. and backed

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by a bumper beam in order to consider the plastic bumper a fascia as taught by Horney et al. in order to provide a strong and aesthetically pleasing bumper.

As to claim 8, Karr et al. has ridges at the distal end, near the fastening means 4.

As to claim 9, Karr et al. have a much smaller thickness at the proximal end as seen in figure 4. The dimensions of the smaller thickness is an obvious expedient to one of ordinary skill in the art and not a patentable distinction.

As to claim 10, Burkhardt et al. teach such a rounded edge.

As to claim 12, Karr et al. disclose an ultrasonic sensor, conventionally used for parking assist.

### ***Double Patenting***

9. Applicant is advised that should claim 11 be found allowable, claim 15 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Conclusion***


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wild, cited by applicant, discloses various types of bumper mounted sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

6/13/07

DHP  
6/13/2007